

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LINDSEY JOLEE WHITNEY,

Defendant.

NO. CR07-47-MJP

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

An evidentiary hearing on a petition for violation of supervised release in this case was scheduled before the undersigned Magistrate Judge on April 8, 2011. The United States was represented by Assistant United States Attorney Francis Franze-Nakamura for Kate Vaughan, and the defendant by Michael Filipovic. The proceedings were digitally recorded.

The defendant had been charged and convicted of Conspiracy to Distribute Ecstasy, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C). On or about June 13, 2008, defendant was sentenced by the Honorable Marsha J. Pechman to a term of 3 years probation.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in a substance abuse and mental health programs, financial disclosure, 100 hours of community service, search, drug

1 testing and treatment, prohibition from alcohol, 3 months in a Residential Reentry Center, and
2 obtain GED within 2 years.

3 In a Petition for Warrant or Summons dated March 15, 2011, U.S. Probation Officer
4 Jerrod Akins asserted the following violations by defendant of the conditions of her supervised
5 release:

- 6 1. Associating with a person engaged in criminal activity on February 14, 2011, in
7 violation of standard condition No. 9.
- 8 2. Associating with Joseph Rodriguez, a convicted felon, in violation of standard
9 condition No. 9.
- 10 3. Associating with Sadie Villars, a convicted felon, in violation of standard
11 condition No. 9.

12 In a Supplemental Violation Report, dated March 22, 2011, U.S. Probation Officer
13 Jerrod Akins asserted the following violations by defendant of the conditions of her supervised
14 release:

- 15 4. Failing to be truthful with the probation officer, in violation of standard
16 condition No. 3.
- 17 5. Consuming alcohol on February 14, 2011, in violation of the special condition
18 that she refrain from the use of alcohol.

19 On April 1, 2011, defendant made her initial appearance. The defendant was advised
20 of the allegations and advised of her rights. On April 8, 2011, this matter came before the
21 Court for an evidentiary hearing. Defendant admitted to violations 2 and 3. Alleged violations
22 1, 4 and 5 were dismissed without prejudice by the government.

23 I therefore recommend that the Court find the defendant to have violated the terms and
24 conditions of her supervised release as alleged in violations 2 and 3, and that the Court conduct
25 a hearing limited to disposition. A disposition hearing on these violations has been set before
26 the Honorable Marsha J. Pechman on April 18, 2011 at 4:00 p.m.

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3 Pending a final determination by the Court, the defendant has been detained.

4 DATED this 8th day of April, 2011.

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6 JAMES P. DONOHUE
7 United States Magistrate Judge

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10 cc: District Judge: Honorable Marsha J. Pechman
11 AUSA: Sarah Kate Vaughn
12 Defendant's attorney: Michael Filipovic
13 Probation officer: Jerrod Akins
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